

5/9/2024 2:14 PM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 87570772  
By: Joshua Herrington  
Filed: 5/9/2024 2:14 PM

CAUSE NO. 2024-20417

BDFI LLC and GALLERIA WEST LOOP INVESTMENTS, LLC	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
	§	
VS.	§	
	§	HARRIS COUNTY, TEXAS
VERITEX COMMUNITY BANK and GREEN BANK, N.A.	§	
Defendants.	§	
	§	295 <sup>th</sup> JUDICIAL DISTRICT

**SUGGESTION OF BANKRUPTCY AND NOTICE OF AUTOMATIC STAY**

Plaintiff/Judgment Debtor, Galleria West Loop Investments, LLC, files this *Suggestion of Bankruptcy and Notice of Automatic Stay* and would respectfully show unto the Court as follows:

On May 6, 2024, Creditor Gene McCubbin d/b/a PopLabs filed an Involuntary Petition Against Galleria West Loop Investments, LLC., under Case No. 24-32143 in the United States Bankruptcy Court for the Southern District of Texas ("Bankruptcy Case"). A copy of the proof of filing of the petition is attached hereto as Exhibit "A."

Pursuant to the United States Bankruptcy Code, the commencement of the above-referenced bankruptcy triggered an automatic stay that precludes further prosecution of this action until further notice. *See* 11 U.S.C. § 362(a).

Respectfully submitted,

**LAW OFFICES OF KEVIN MICHAEL  
MADDEN, P.L.L.C.**

By: /s/ Kevin M. Madden

Kevin M. Madden  
State Bar No. 24041376  
16310 State Highway 249, Unit 1304  
Houston, Texas 77064  
Phone: 281-888-9681  
Fax: 832-538-0937  
Email : [kmm@kmaddenlaw.com](mailto:kmm@kmaddenlaw.com)  
**ATTORNEY FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been sent to all known counsel according to the TRCP on this the 9<sup>th</sup> day of May 2024:

Brian Clark  
KRCL, PC  
901 Main Street, Suite 5200  
Dallas, Texas 75202  
Tel. (214) 777-4253  
Email: [bclark@krcl.com](mailto:bclark@krcl.com)  
**ATTORNEY FOR DEFENDANTS**

Via: E-filing Texas

/s/ Kevin M. Madden

Kevin M. Madden

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kevin Madden

Bar No. 24041376

kmm@kmaddenlaw.com

Envelope ID: 87570772

Filing Code Description: No Fee Documents

Filing Description: Suggestion of Bankruptcy and Notice of Automatic Stay

Status as of 5/9/2024 2:24 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kevin M.Madden		kmm@kmaddenlaw.com	5/9/2024 2:14:49 PM	SENT
Connie Nims		cnims@krcl.com	5/9/2024 2:14:49 PM	SENT
Jamie R.Wilson		jwilson@krcl.com	5/9/2024 2:14:49 PM	SENT
Brian W.Clark		bclark@krcl.com	5/9/2024 2:14:49 PM	SENT
Brian W.Clark		bclark@krcl.com	5/9/2024 2:14:49 PM	SENT
Jamie Wilson		JWilson@krcl.com	5/9/2024 2:14:49 PM	SENT
Lynda Bryan		LBryan@krcl.com	5/9/2024 2:14:49 PM	SENT

# EXHIBIT “A”

Unofficial Copy Office of Marilyn Burgess District Clerk

**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

Southern District of Texas  
(State)

Case number (if known): Chapter 11

☐ Check if this is an amended filing**Official Form 205****Involuntary Petition Against a Non-Individual**

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

**Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed****1. Chapter of the Bankruptcy Code**

Check one:

☐ Chapter 7☒ Chapter 11**Part 2: Identify the Debtor****2. Debtor's name**

Galleria West Loop Investments, LLC

**3. Other names you know the debtor has used in the last 8 years**

50m Briar Hollow

Include any assumed names, trade names, or doing business as names.

**4. Debtor's federal Employer Identification Number (EIN)**☐ Unknown

82-4642423

EIN

**5. Debtor's address****Principal place of business**

1001 W. Loop South

Number Street

Houston

City

TX

State

77027

ZIP Code

Harris

County

**Mailing address, if different**

Number Street

P.O. Box

City

State

ZIP Code

**Location of principal assets, if different from principal place of business**

Number Street

City

State

ZIP Code

Debtor Galleria West Loop Investments, LLC  
Name

Case number (if known) \_\_\_\_\_

6. Debtor's website (URL) \_\_\_\_\_

7. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other type of debtor. Specify: \_\_\_\_\_

8. Type of debtor's business

Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☐ None of the types of business listed.  
☐ Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?

- ☒ No  
☐ Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
MM / DD / YYYY  
Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
MM / DD / YYYY

## Part 3:

## Report About the Case

10. Venue

Check one:

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.  
☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).

The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

- ☒ The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.  
☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- ☒ No  
☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

Debtor Galleria West Loop Investments, LLC  
Name

Case number (if known) \_\_\_\_\_

**13. Each petitioner's claim**

Name of petitioner

Nature of petitioner's claim

Amount of the claim  
above the value of  
any lienGene McCubbin dba PopLabsAdvertising\$ 32,665.75

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

Total of petitioners' claims

\$ \_\_\_\_\_

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

**Part 4: Request for Relief**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

**Petitioners or Petitioners' Representative****Name and mailing address of petitioner**Gene McCubbin dba PopLabs

Name

14315 Briarhills Pkwy

Number Street

Houston

City

TX

State

77077

ZIP Code

**Name and mailing address of petitioner's representative, if any**Gene McCubbin

Name

14315 Briarhills Pkwy

Number Street

Houston

City

TX

State

77077

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 05/06/2024  
MM / DD / YYYY

x gene mccubbin

Signature of petitioner or representative, including representative's title

**Attorneys**Kevin M. Madden

Printed name

The Law Offices of Kevin M. Madden, PLLC

Firm name, if any

16310 State Highway 249, Unit 1304

Number Street

Houston

City

Texas

State

77064

ZIP Code

Contact phone 281-888-9681 Email kmm@kmaddenlaw.com

Bar number 24041376

State Texas

x /s/ Kevin M. Madden

Signature of attorney

Date signed 05/06/2024  
MM / DD / YYYY

Debtor \_\_\_\_\_  
Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

**Name and mailing address of petitioner**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Name and mailing address of petitioner's representative, if any**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

x

Signature of petitioner or representative, including representative's title \_\_\_\_\_

Printed name \_\_\_\_\_

Firm name, if any \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Bar number \_\_\_\_\_

State \_\_\_\_\_

x

Signature of attorney \_\_\_\_\_

Date signed \_\_\_\_\_  
MM / DD / YYYY**Name and mailing address of petitioner**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Name and mailing address of petitioner's representative, if any**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

x

Signature of petitioner or representative, including representative's title \_\_\_\_\_

Printed name \_\_\_\_\_

Firm name, if any \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Bar number \_\_\_\_\_

State \_\_\_\_\_

x

Signature of attorney \_\_\_\_\_

Date signed \_\_\_\_\_  
MM / DD / YYYY